

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MCKAYNEE POWELL,

Plaintiff,

vs.

WORKERS COMP,

Defendant.

CV 25-02-M-DWM

ORDER

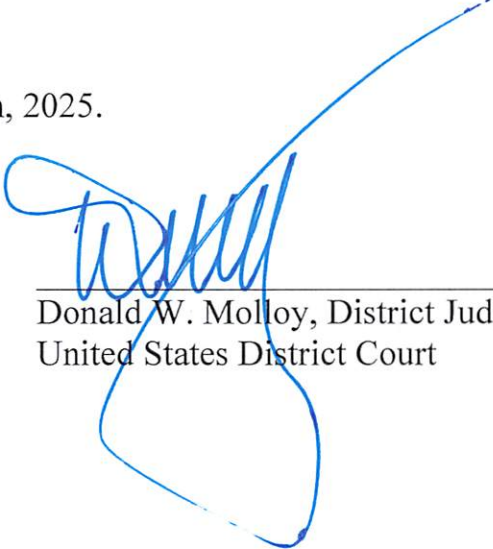
On February 20, 2025, United States Magistrate Judge Kathleen DeSoto entered Findings and Recommendations with respect to Plaintiff McKaynee Powell's civil rights complaint against Defendant Workers Comp. (*See* Docs. 2, 4.) Having screened Powell's complaint under 28 U.S.C. § 1915(e)(2), Judge DeSoto found that she fails to state a claim for relief because the complaint lacks any viable federal claims arising out of its bare allegations. (*See* Doc. 4.) Despite being given the opportunity to do so, *see* 28 U.S.C. § 636(b)(1), Powell has not filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been

committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge DeSoto’s conclusion that Powell’s complaint contains no viable federal claims arising out of its bare allegations,

IT IS ORDERED that:

- (1) The Findings and Recommendation, (Doc. 4), is ADOPTED IN FULL.
- (2) Powell’s Complaint is DISMISSED WITH PREJUDICE.
- (3) It is CERTIFIED, pursuant to Fed. R. App. P. 24(a)(4)(B), that any appeal from this disposition would not be taken in good faith.
- (4) The Clerk is directed to enter, by separate document, a judgment of dismissal.

DATED this 24th day of March, 2025.



Donald W. Molloy, District Judge
United States District Court